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**FEDERAL ELECTION COMMISSION**

999 E Street, N.W.

Washington, D.C. 20463

2003 AUG 18 P 4:13

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR: 5328  
DATE COMPLAINT FILED: October 25, 2002  
DATE OF NOTIFICATION: November 1, 2002  
DATE ACTIVATED: January 22, 2003

EXPIRATION OF STATUTE April 16, 2007  
OF LIMITATIONS:

**COMPLAINANT:**

National Legal and Policy Center  
by Kenneth F. Boehm, Chairman

**RESPONDENTS:**

PAC to the Future and Leo McCarthy, as treasurer  
Team Majority and Leo McCarthy, as treasurer  
Nancy Pelosi for Congress and Paul F. Pelosi, as  
treasurer  
Representative Nancy Pelosi  
Chellie Pingree for U.S. Senate and Daniel N.  
Crewe, as treasurer  
Chris Kouri for Congress Committee and William  
Shaia, as treasurer\*  
Clark for Congress and Marilyn Hoffman, as  
treasurer  
Committee to Elect Charles Walker and Roosevelt  
Brown, as treasurer\*  
Committee to Elect Lincoln Davis and Sharon B.  
Davis, as treasurer  
Dutch Ruppertsberger for Congress and David C.  
Deger, as treasurer  
Joe Turnham for Congress and Pete Turnham, as  
treasurer  
Julie Thomas for Congress Campaign Committee  
and Stephen B. Jackson, as treasurer\*  
Van Hollen for Congress and Jennifer Lewis  
Smith, as treasurer\*  
Wofford for Congress and Andrew Greenberg, as  
treasurer

\* This Office has internally generated these respondents based on their apparent receipt of excessive contributions, as discussed *infra*.

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Sally Hambrecht  
William Hambrecht  
George Zimmer

**RELEVANT STATUTES AND  
REGULATIONS:**

2 U.S.C. § 432(e)  
2 U.S.C. § 433(b)(2)  
2 U.S.C. § 441a(a)(1)(C)  
2 U.S.C. § 441a(a)(2)(A)  
2 U.S.C. § 441a(a)(5)  
11 C.F.R. § 100.5(g)  
11 C.F.R. § 103.3(b)(3)  
11 C.F.R. § 110.3(a)

**INTERNAL REPORTS CHECKED:** Disclosure Reports

**FEDERAL AGENCIES CHECKED:** None

**I. INTRODUCTION**

The complaint in this matter raises, for the first time, the issue of whether a candidate or officeholder can have two “leadership PACs.” The complaint contends that PAC to the Future, a non-connected PAC registered with the Commission since 1999, operates as a leadership PAC allowing Representative Nancy Pelosi to make contributions to other federal candidates. According to the complaint, Team Majority, which filed with the Commission as a non-connected PAC in April 2002, also operated as a leadership PAC associated with Representative Pelosi and was formed by her to evade the contribution limits set forth in the Federal Election Campaign Act of 1971, as amended (“the Act”) and the Commission’s regulations. Specifically, the complaint alleges that the two PACs are affiliated and therefore share a common contribution limit; that limit, according to the complaint, has been exceeded on several occasions. The complaint identifies the campaign committees of Chellie Pingree, Martha Fuller Clark, Lincoln Davis, Dutch Ruppersberger, Joe Turnham and Dan Wofford as having accepted excessive

1 contributions as a result of the two PACs' affiliation. Sally Hambrecht, William Hambrecht and  
2 George Zimmer are identified in an attachment to the complaint as having made excessive  
3 contributions to the PACs.

4 Based on the available information, PAC to the Future and Team Majority appear to be  
5 affiliated, and this Office recommends the Commission find reason to believe they violated the  
6 Act by failing to properly report their affiliated status and by making and receiving contributions  
7 that, when aggregated, exceeded the contribution limits of the Act. In addition, this Office  
8 recommends the Commission find reason to believe Joe Turnham for Congress and four  
9 internally generated candidate committees (noted by asterisks on p. 1) violated the Act by  
10 receiving excessive contributions from the two PACs. This Office recommends the Commission  
11 dismiss the complaint as to Nancy Pelosi for Congress, take no action at this time concerning  
12 George Zimmer, and find no reason to believe that Representative Pelosi or any of the other  
13 respondents violated the Act or Commission regulations.

14 **II. APPLICABLE LAW**

15 **A. *Contribution Limits***

16 A multicandidate PAC is limited to receiving \$5,000 per calendar year from individual  
17 contributors. 2 U.S.C. §§ 441a(a)(1)(C), 441a(f). Further, an authorized candidate committee  
18 may accept \$5,000 from a multicandidate PAC during each election. 2 U.S.C. §§ 441a(a)(2)(A),  
19 441a(f). If a committee accepts contributions that exceed these limits, its treasurer shall either  
20 refund the excessive contributions or seek redesignation or reattribution within sixty days. *See*  
21 11 C.F.R. § 103.3(b)(3).

**B. Affiliation**

The Act states that for purposes of the limitations set forth in 2 U.S.C. §§ 441a(a)(1) and 441a(a)(2), all contributions made by political committees “established or financed or maintained or controlled by any . . . person . . . or by any group of . . . persons, shall be considered to have been made by a single political committee.”<sup>1</sup> 2 U.S.C. § 441a(a)(5). Committees established, financed, maintained or controlled by the same person or group of persons are “affiliated committees.” 11 C.F.R. § 100.5(g). Contributions made to or by such committees shall be considered to have been made to or by a single committee. 11 C.F.R. §§ 100.5(g) and 110.3(a)(1).

When registering with the Commission, a political committee must include in its Statement of Organization “the name, address, relationship, and type of any connected organization or affiliated committee.” 2 U.S.C. § 433(b)(2).

**III. PAC TO THE FUTURE AND TEAM MAJORITY**

**A. Facts**

PAC to the Future is an unauthorized multicandidate committee that has been registered with the Commission since March 24, 1999 and qualified for multicandidate committee status on September 28, 1999. PAC to the Future’s Statement of Organization lists former California Lieutenant Governor Leo McCarthy as its treasurer, and states that it is not affiliated with any other committee. Team Majority is an unauthorized multicandidate committee that initially registered with the Commission under the name “Team Pelosi” on April 1, 2002.<sup>2</sup> The committee amended its name to “Team Majority” on July 24, 2002, in response to a letter from

<sup>1</sup> Section 441a(a)(5) provides specific exceptions, none of which is relevant here.

<sup>2</sup> Prior to filing the initial Statement of Organization for Team Pelosi, Mr. McCarthy contacted a RAD analyst. The RAD analyst’s telecom indicated that Mr. McCarthy called on February 26, 2002 and “wanted to know if a

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1 RAD reminding the committee that an unauthorized committee's name may not include the  
2 name of a candidate. *See* 2 U.S.C. § 432(e)(4). Team Majority's Statement of Organization also  
3 lists Leo McCarthy as its treasurer, and states that it is not affiliated with any other committee.

4 In their responses to the complaint, Team Majority, PAC to the Future, Representative  
5 Nancy Pelosi and Nancy Pelosi for Congress do not deny that both PACs operated as  
6 Representative Pelosi's "leadership PACs."<sup>3</sup> All of their responses acknowledge that  
7 Representative Pelosi engaged in fundraising for the two PACs. In their joint response, Nancy  
8 Pelosi for Congress and Representative Pelosi state that "[a]s a leader of her party,"  
9 Representative Pelosi "has been instrumental in raising funds for Democratic candidates  
10 throughout the country. She has done this in innumerable ways . . . [including] through non-  
11 connected PACs that support Democratic candidates, such as Team Majority and PAC to the  
12 Future." (Pelosi Resp., p. 1.)

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candidate can have more than one leadership PAC." According to the telecom, the RAD analyst told him "that was fine and directed him to cites regarding non-connected committees." The telecom also stated that the RAD analyst "told him a leadership PAC is technically not associated with any one candidate and is just out there raising and contributing money to whomever." Although not raised in Team Majority's response, the press has reported that Mr. McCarthy acknowledged that while he did not seek legal advice before establishing Team Majority, "he said he checked with the FEC and said that he was assured there was 'no impediment of any kind' to creating a second PAC that would mimic the first." Ethan Wallison, *Pelosi PAC Stirs Questions*, ROLL CALL (Oct. 24, 2002) available at <http://www.rollcall.com/pages/news/00/2002/10/news1024b.html>.

<sup>3</sup> The press has repeatedly characterized the two PACs as associated with Representative Pelosi and this Office is not aware of any reports that she has disavowed this characterization. *See, e.g.*, Ethan Wallison, *Pelosi's PAC Stirs Questions*, ROLL CALL (Oct. 24, 2002) available at <http://www.rollcall.com/pages/news/00/2002/10/news1024b.html> (referring to "twin leadership PACs that have enabled . . . Nancy Pelosi . . . to double up on hard-dollar contributions" and "Pelosi's second PAC, Team Majority"); Kevin Freaking, *Past Generosity Plays Into Democrats' Race for House Job*, THE ARKANSAS DEMOCRAT GAZETTE (Nov. 14, 2002) available at 2002 WL 102852273 ("Pelosi's contributions came through her personal campaign account, her political-action committee, PAC to the Future, and a second PAC called Team Majority . . ."); Hans Nichols, *McCain PAC Last in Giving*, THE HILL (Feb. 12, 2003) pp. 1, 8 (referring to "Nancy Pelosi's . . . organization, PAC to the Future" and stating that "Pelosi also had a separate PAC, Team Majority . . ."). In addition, at least two letters to the Commission on PAC to the Future's letterhead identified Representative Nancy Pelosi as the PAC's Chair. *See also* ALMANAC OF FEDERAL PACS: 2002–2003 (Edward Zuckerman ed.) (2002) (listing PAC to the Future as a "leadership PAC" sponsored by Nancy Pelosi).

1 In alleging that Representative Pelosi established two PACs which “had both the intent  
2 and effect of circumventing the [Act’s] contribution limits . . . ,” the complaint relied on an  
3 alleged statement to the press by Leo McCarthy, treasurer of both PACs, that the “main reason  
4 for the creation of the second PAC, frankly, was to give twice as much [*sic*] hard dollars.”  
5 Comp., p. 2.<sup>4</sup> In its response, Team Majority did not disavow the press statement or the alleged  
6 circumvention scheme. Rather, it simply stated that it “has chosen not to contest the politically  
7 motivated concerns expressed in public.” (Team Majority Resp., p. 1.) However, “to avoid any  
8 question about its activities, or the activities of PAC to the Future, [Team Majority] has taken the  
9 following steps to suspend its operations:”

- 10 • The PAC refunded all contributions from donors who had also given to PAC
- 11 to the Future, which, when aggregated, would have exceeded \$5,000 . . . .
- 12 • The PAC has sought refunds from each candidate who received a contribution
- 13 from both Team Majority and PAC to the Future which, when aggregated,
- 14 exceeded \$5,000 . . . .

15  
16 *Id.*

17 Team Majority’s response also stated its intention “to terminate, once the refund checks  
18 have been negotiated and refunds are received from the candidates in question.”<sup>5</sup> (*Id.* at 2.) In  
19 its response, PAC to the Future acknowledges that the complaint alleged that it was affiliated  
20 with Team Majority, then states that “[i]t is the understanding of PAC to the Future that, to avoid  
21 any question about its activities, Team Majority” had taken the steps set forth above in Team  
22 Majority’s response.

23 A review of PAC to the Future’s and Team Majority’s disclosure reports reveals that  
24 there are numerous campaign committees that received contributions from both PACs that, when

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<sup>4</sup> See Ethan Wallison, *Pelosi PAC Stirs Questions*, ROLL CALL (Oct. 24, 2002) available at <http://www.rollcall.com/pages/news/00/2002/10/news1024b.html>.

<sup>5</sup> Thus far, Team Majority has not filed a notice of an intent to terminate.

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1 aggregated, exceed the contribution limit for a multicandidate political committee.<sup>6</sup> (*See*  
2 Attach. 1 at 2.) Of the six authorized committees notified of the complaint by the Commission,  
3 four responded.<sup>7</sup> Each acknowledged receiving contributions from both PACs, but each asserted  
4 that it had refunded any contribution from Team Majority that would have been excessive if the  
5 PACs were affiliated. (*See* Clark Resp., p. 1; Davis Resp., p. 1; Ruppertsberger Resp., p. 1;  
6 Wofford Resp., p. 2.) Disclosure reports confirm these assertions. However, they also show that  
7 one notified respondent, Joe Turnham for Congress, and four other campaign committees that  
8 were neither named in nor notified of the complaint, apparently received, but did not timely  
9 refund, similar contributions. These four other committees are (1) Julie Thomas for Congress  
10 Campaign Committee, (2) Van Hollen for Congress, (3) Committee to Elect Charles Walker, and  
11 (4) Chris Kouri for Congress Committee. As of August 4, 2003, neither the PACs' nor the  
12 campaign committees' reports reflect refunds of any of the PACs' contributions.

13 In their joint response to the complaint, William and Sally Hambrecht, contributors to the  
14 PACs, stated that they "were not aware that [the] two PAC[s] were set up inappropriately," but  
15 that "Nancy Pelosi's office" returned "each contribution [they] made to the second PAC."

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<sup>6</sup> Although not all the PACs' contributions and receipts exceeded the Act's limits, there was substantial overlap. For example, PAC to the Future and Team Majority received contributions for the 2002 general election from 20 of the same contributors, which amount to 14% of the individual contributions received by Team Majority and 6% of the individual contributions received by PAC to the Future. Additionally, both PACs made contributions to many of the same authorized candidate committees. Of the contributions that Team Majority made to authorized candidate committees, 92% were to authorized candidate committees that received contributions from PAC to the Future. Further, of the contributions PAC to the Future made to authorized candidate committees for the 2002 general election, 34% of the authorized candidate committees received contributions from Team Majority. Of the contributions that Team Majority and PAC to the Future received from the same contributors, 37% (14 out of 38) were within thirty days of one another, including five made on the same day, and 53% (20 out of 38) were within sixty days of one another.

<sup>7</sup> The six committees (and their treasurers) notified at the complaint stage were Chellie Pingree for U.S. Senate, Joe Turnham for Congress, Clark for Congress, Committee to Elect Lincoln Davis, Dutch Ruppertsberger for Congress, and Wofford for Congress. Neither Chellie Pingree for U.S. Senate nor Joe Turnham for Congress filed a response to the complaint.

1 (Hambrecht Resp., p. 1.) The Hambrechts enclosed copies of the refund checks with their  
2 response. (*Id.*, Attach.)

3 In his response to the complaint, George Zimmer, another contributor to both PACs,  
4 stated that both he and his wife, Lorri Zimmer, contributed to PAC to the Future in July 2002.  
5 (Zimmer Resp., p. 1.) They also made a \$5,000 contribution to Team Majority in August 2002  
6 believing that “this PAC met all requirements that were necessary to satisfy Federal Election  
7 fundraising regulations . . . .” (*Id.*) According to the response, the Zimmers “even received a  
8 personal letter from Nancy [Pelosi] indicating the specific PAC name to give [their] donation  
9 to,” and the “PAC’s treasurer gave no indication . . . in phone calls that questions had been raised  
10 about the PAC’s affiliation with PAC to the Future . . . .” Moreover, Team Majority’s  
11 “paperwork referenced a separate Committee ID and appeared in line with other” organizations  
12 to which they had contributed in the past. (*Id.*) The Zimmer response also stated that in late  
13 October 2002, the Zimmers “received checks from Team Majority which refunded [the] two  
14 donations to” Team Majority and were “informed that the appropriateness of the PAC’s  
15 fundraising activities had been questioned.” (*Id.*) Since contributions are required to be  
16 reported, the Zimmers believed “the refund of our contributions would be communicated as  
17 well.” (*Id.*)

18 **B. Legal Analysis**

19 **1. Affiliation**

20 PAC to the Future and Team Majority have all but acknowledged that they are affiliated.  
21 They do not deny that Representative Pelosi raised funds for Democratic candidates through both  
22 of them. The PACs share a common treasurer who reportedly admitted to the press that the  
23 primary reason for forming Team Majority “frankly, was to give twice as much [*sic*] hard

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1 dollars.” The Complaint alluded to and attached the press report containing this statement, and  
2 the PACs did not disavow the quotation in their responses. Moreover, the treasurer’s inquiry to  
3 the RAD analyst regarding whether a candidate can have more than one leadership PAC, *see*  
4 *supra* note 2, provides further support that his intention was to create a second committee with  
5 the same purpose as the first. Rather than assert the legality of its actions, Team Majority has  
6 sought to undo them, presumably because there is no basis upon which to challenge the affiliated  
7 status of the two PACs and, since a second contribution limit is not legally available, there is no  
8 longer any reason for Team Majority to exist. Stating that it will “not contest” the “concerns  
9 expressed in public,” Team Majority told the Commission it would seek refunds of all  
10 contributions that would be considered excessive if the PACs were affiliated and that it would  
11 suspend its operations. These facts are more than sufficient to support the reason-to-believe  
12 findings recommended below that flow from the assumption that the PACs are affiliated, and  
13 given their approach to date, it is unlikely that the PACs can or will mount a defense to an  
14 affiliation theory.<sup>8</sup>

## 15 2. Excessive Contributions

16 Under the Act and the Commission’s regulations, affiliated committees, such as PAC to  
17 the Future and Team Majority, share a single contribution limit. *See* 2 U.S.C. § 441a(a)(5);  
18 11 C.F.R. § 110.3(a). For the 2002 general election, both PACs made contributions to numerous  
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<sup>8</sup> By not asserting a defense based on his conversation with the RAD analyst, *see* footnote 2, Mr. McCarthy apparently recognizes that he could bind the Commission only by seeking an advisory opinion, and could not rely, under the circumstances, on a discussion with a Commission employee to avoid liability for the PACs. There is no indication that the analyst engaged in the “affirmative misconduct” necessary for an individual to estop the government, such as willfully, wantonly or recklessly providing incorrect information. *See United States v Marine Shale Processors*, 81 F.3d 1329, 1349 (5th Cir. 1996); *Cadwalder v United States*, 45 F.3d 297, 299 (9th Cir. 1993); *Fano v. O’Neill*, 806 F.2d 1262, 1265–66 (5th Cir. 1987). “Affirmative conduct” is something more than “mere negligence” on the part of the government agent. *TRW, Inc v Federal Trade Comm’n*, 647 F.2d 942, 951 (9<sup>th</sup> Cir.1981) This Office will, however, further explore the reasonableness of Mr. Carthy’s possible reliance on his conversation with the analyst, if raised, when negotiating the proposed civil penalty with the two PACs. *See Marine Shale* at 1349, n. 11.

committees, which, when aggregated, exceeded \$5,000 to each committee. (*See* Attach. 1 at 2.) Of those committees, *see supra* p. 7, all but five refunded the \$5,000 excessive portion of the contributions within sixty days. *See* 11 C.F.R. § 103.3(b)(3). These five—the only recipient committees against which this Office recommends proceeding—not only did not make timely refunds to Team Majority, but apparently have not yet made any refunds, months after Team Majority reportedly requested refunds. Accordingly, this Office recommends that the Commission find reason to believe that PAC to the Future and Leo McCarthy, as treasurer, and Team Majority and Leo McCarthy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), and that Joe Turnham for Congress and Pete Turnham, as treasurer; Julie Thomas for Congress Campaign Committee and Stephen B. Jackson, as treasurer; Van Hollen for Congress and Jennifer Lewis Smith, as treasurer; Committee to Elect Charles Walker and Roosevelt Brown, as treasurer; and Chris Kouri for Congress Committee and William Shaia, as treasurer, each violated 2 U.S.C. § 441a(f).<sup>9</sup>

The responses or the disclosure reports of the other authorized campaign committees, which included five committees named as respondents in this matter, demonstrate that they refunded the excessive portions of the contributions within sixty days. *See* 11 C.F.R. § 103.3(b)(3). Accordingly, this Office recommends that the Commission find no reason to believe that the following respondents violated any provision of the Act or Commission regulations in connection with this matter, and close the file as to each of them: Chellie Pingree for U.S. Senate and Daniel N. Crewe, as treasurer; Clark for Congress and Marilyn Hoffman, as treasurer; Committee to Elect Lincoln Davis and Sharon B. Davis, as treasurer; Dutch

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<sup>9</sup> During conciliation, this Office will take into account, as mitigation for the two PACs, information showing that the refunds were timely requested, or, as mitigation for the recipient candidate committees, information that refunds were not timely requested.

1 Ruppertsberger for Congress and David C. Deger, as treasurer; and Wofford for Congress and  
2 Andrew Greenberg, as treasurer.

3 Additionally, twenty individual contributors made contributions to PAC to the Future and  
4 Team Majority, which, when aggregated, exceeded the \$5,000 contribution limit. 2 U.S.C.  
5 § 441a(a)(1)(C). (*See* Attach. 1 at 1.) A review of disclosure reports indicates that Team  
6 Majority refunded the excessive portion of all of these contributions within 60 days except for  
7 two: the contributions of George and Lorri Zimmer.<sup>10</sup> *See* 11 C.F.R. § 103.3(b)(3). Since it  
8 appears that PAC to the Future and Team Majority accepted the Zimmers' contributions, this  
9 Office recommends that the Commission find reason to believe that PAC to the Future and Leo  
10 McCarthy, as treasurer, and Team Majority and Leo McCarthy, as treasurer, violated 2 U.S.C.  
11 § 441a(f). Because respondents Sally and William Hambrecht obtained refunds of the excessive  
12 portion of their contributions within sixty days, *see* 11 C.F.R. § 103.3(b)(3), this Office  
13 recommends that the Commission find no reason to believe that Sally and William Hambrecht  
14 violated the Act or Commission regulations in connection with this matter, and close the file as  
15 to them.<sup>11</sup>

### 16 3. Reporting Violations

17 As discussed above, there is reason to believe that PAC to the Future and Team Majority  
18 are affiliated. However, neither PAC disclosed the other PAC as an affiliated committee on its  
19 Statement of Organization. Therefore, this Office recommends that the Commission find reason

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<sup>10</sup> Both George and Lorri Zimmer made \$5,000 contributions to PAC to the Future on July 17, 2002. They then each made \$5,000 contributions to Team Majority on August 26, 2002. George and Lorri Zimmer's \$5,000 contributions to Team Majority were refunded on October 29, 2002, sixty-four days after they were received.

<sup>11</sup> Besides George Zimmer, *see infra* p. 13, the Hambrechts were the only other individual contributors notified of the complaint.

1 to believe that PAC to the Future and Leo McCarthy, as treasurer, and Team Majority and Leo  
2 McCarthy, as treasurer, each violated 2 U.S.C. § 433(b)(2).

3 **4. Nancy Pelosi for Congress and Representative Nancy Pelosi**

4 Representative Nancy Pelosi and her authorized campaign committee, Nancy Pelosi for  
5 Congress, were notified as respondents, based on the complaint's allegation that Representative  
6 Pelosi established both Team Majority and PAC to the Future and used them to circumvent the  
7 Act's limits. It appears, however, that this Office improvidently notified Nancy Pelosi for  
8 Congress, as the complaint does not contain any allegations against it or its treasurer.

9 Accordingly, this Office recommends that the Commission dismiss the complaint and close the  
10 file with respect to Nancy Pelosi for Congress and Paul F. Pelosi, as treasurer.

11 Regarding Representative Pelosi, although the complaint alleged that her establishment  
12 of two leadership PACs "had both the intent and effect of circumventing the contribution limits"  
13 of the Act and the Commission's regulations, there is insufficient information in the complaint or  
14 the public record to support reason-to-believe findings that she personally violated any provision  
15 of the Act or regulations. Accordingly, this Office recommends that the Commission find no  
16 reason to believe that Representative Nancy Pelosi violated any provision of the Act or  
17 Commission regulations in connection with this matter.

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**5. George Zimmer**

As noted, the excessive portions of the Zimmer contributions were not timely refunded.

*See supra* note 10. Based on the available information, it does not presently appear that George Zimmer knew that the two PACs were affiliated at the time he and his wife Lorri Zimmer contributed \$5,000 apiece to each PAC. The Zimmer response, *see* discussion *supra* Part III.A., indicates that Mr. McCarthy, the PACs' treasurer, did not inform them during their phone conversations that the PACs were affiliated. However, the Zimmers may have information, including contacts with the PACs' treasurer and receipt of a personal letter from Representative Pelosi that may be helpful if pre-probable cause conciliations are not successful. Accordingly, this Office recommends taking no action at this time with respect to George Zimmer, anticipating that we will later recommend closing the file as to him.<sup>12</sup>

**IV. DISCUSSION OF CONCILIATION AND INVESTIGATION**

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<sup>12</sup> Because George Zimmer's contributions were mentioned in an article attached to the complaint, but Lorri Zimmer's were not, only George Zimmer was notified of the complaint. Under the circumstances set forth above, there appears to be no reason to internally generate Lorri Zimmer as a respondent.

V. RECOMMENDATIONS

1. Find reason to believe that that PAC to the Future and Leo McCarthy, as treasurer, and Team Majority and Leo McCarthy, as treasurer, violated 2 U.S.C. §§ 433(b)(2), 441a(a)(2)(A) and 441a(f);
2. Find reason to believe that Joe Turnham for Congress and Pete Turnham, as treasurer, violated 2 U.S.C. § 441a(f);
3. Find reason to believe that Julie Thomas for Congress Campaign Committee and Stephen B. Jackson, as treasurer, violated 2 U.S.C. § 441a(f);
4. Find reason to believe that Van Hollen for Congress and Jennifer Lewis Smith, as treasurer, violated 2 U.S.C. § 441a(f);
5. Find reason to believe that Committee to Elect Charles Walker and Roosevelt Brown, as treasurer, violated 2 U.S.C. § 441a(f);
6. Find reason to believe that Chris Kouri for Congress Committee and William Shaia, as treasurer, violated 2 U.S.C. § 441a(f);
7. Take no action at this time with respect to George Zimmer;

8. Find no reason to believe that Representative Nancy Pelosi violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter, and close the file as to her;
9. Dismiss the complaint with respect to Nancy Pelosi for Congress and Paul F. Pelosi, as treasurer, and close the file as to them;
10. Find no reason to believe that Chellie Pingree for U.S. Senate and Daniel N. Crewe, as treasurer; Clark for Congress and Marilyn Hoffman, as treasurer; Committee to Elect Lincoln Davis and Sharon B. Davis, as treasurer; Dutch Ruppertsberger for Congress and David C. Deger, as treasurer; Wofford for Congress and Andrew Greenberg, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter, and close the file as to them;
11. Find no reason to believe that William Hambrecht and Sally Hambrecht violated any provision of the Federal Election Campaign Act of 1971, as amended, or Commission regulations in connection with this matter, and close the file as to them;
12. Approve the attached Factual and Legal Analyses;
13. Enter into conciliation with PAC to the Future and Leo McCarthy, as treasurer; Team Majority and Leo McCarthy, as treasurer; Joe Turnham for Congress and Pete Turnham, as treasurer; Julie Thomas for Congress Campaign Committee and Stephen B. Jackson, as treasurer; Van Hollen for Congress and Jennifer Lewis Smith, as treasurer; Committee to Elect Charles Walker and Roosevelt Brown, as treasurer, and Chris Kouri for Congress Committee and William Shaia, as treasurer, prior to a finding of probable cause to believe;
14. Approve the attached conciliation agreements; and
15. Approve the appropriate letters.

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Date

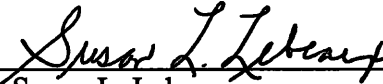
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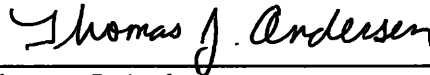
Lawrence H. Norton  
General Counsel



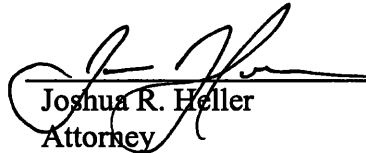
Rhonda J. Vosdigh  
Associate General Counsel for Enforcement



Susan L. Lebeaux  
Assistant General Counsel



Thomas J. Andersen  
Attorney



Joshua R. Heller  
Attorney

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Attachments:

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1. Charts showing common contributors and recipients

6

2. Conciliation Agreements (6)

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3. Factual and Legal Analyses (6)

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# Contributions to PAC to the Future and Team Majority by the Same Contributors

Name	Date	Amount	Election	PAC	Refund	Date	Amount	Election
Bauman, Patricia	8/7/02	\$5,000	G 2002	PTTF				
Bauman, Patricia	10/15/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Caufield, Frank J.	10/11/02	\$5,000	G 2002	PTTF				
Caufield, Frank J.	10/11/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Ghielmetti, James C.	9/30/02	\$5,000	G 2002	PTTF				
Ghielmetti, James C.	9/10/02	\$1,000	G 2002	TM	Y	10/29/02	\$1,000	G 2002
Gossage, Eben	8/15/02	\$5,000	G 2002	PTTF				
Gossage, Eben	10/15/02	\$2,500	G 2002	TM	Y	10/29/02	\$2,500	G 2002
Haas, Miriam Lurie	10/23/02	\$5,000	G 2002	PTTF				
Haas, Miriam Lurie	10/23/02	\$5,000	G 2002	TM	Y	10/24/02	\$5,000	G 2002
Hambrecht, S.P.	7/17/02	\$5,000	G 2002	PTTF				
Hambrecht, S.P.	9/11/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Hambrecht, William R.	7/17/02	\$5,000	G 2002	PTTF				
Hambrecht, William R.	9/11/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Koza, John	6/18/02	\$5,000	G 2002	PTTF				
Koza, John	10/16/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
McKay, Robert L.	10/23/02	\$5,000	G 2002	PTTF				
McKay, Robert L.	10/23/02	\$5,000	G 2002	TM	Y	10/30/02	\$5,000	G 2002
McNeil, Larry B.	10/15/02	\$5,000	G 2002	PTTF				
McNeil, Larry B.	10/15/02	\$5,000	G 2002	TM	Y	10/30/02	\$5,000	G 2002
Mehran, Alexander R.	9/27/02	\$5,000	G 2002	PTTF				
Mehran, Alexander R.	10/16/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Russel, Christine	10/11/02	\$5,000	G 2002	PTTF				
Russel, Christine	10/15/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Schlesinger, Mark	10/11/02	\$5,000	G 2002	PTTF				
Schlesinger, Mark	10/15/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Sperling, John G.	8/14/02	\$5,000	G 2002	PTTF				
Sperling, John G.	9/27/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Sperling, Peter V.	6/14/02	\$5,000	G 2002	PTTF				
Sperling, Peter V.	9/27/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Sutherland, Karen	10/15/02	\$5,000	G 2002	PTTF				
Sutherland, Karen	10/15/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Tsakopoulos, Sofia	10/11/02	\$5,000	G 2002	PTTF				
Tsakopoulos, Sofia	10/11/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Watson, Lucinda B.	7/17/02	\$5,000	G 2002	PTTF				
Watson, Lucinda	10/15/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Zimmer, George	7/17/02	\$5,000	G 2002	PTTF				
Zimmer, George	8/26/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002
Zimmer, Lorri	7/17/02	\$5,000	G 2002	PTTF				
Zimmer, Lorr	8/26/02	\$5,000	G 2002	TM	Y	10/29/02	\$5,000	G 2002

PTTF = PAC to the Future

TM = Team Majority

G = General

Y = Yes

# Contributions by PAC to the Future and Team Majority to the Same Committees

Name	Date	Amount	Election	PAC	Date 2	Amount 2	Election	Refund	Date	Amount	Election	Date	Amt 2	Election
Ann Hutchinson	6/3/02	\$5,000	H P 2002	PTTF	8/12/02	\$5,000	H G 2002							
Ann Hutchinson/Hutchinson for Congr	10/15/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
Ann Summers	8/20/02	\$5,000	H G 2002	PTTF										
Anne Summers for Congress	10/22/02	\$5,000	H G 2002	TM				Y	11/15/02	\$5,000	G 2002			
Bill Luther	1/29/02	\$2,500	H G 2002	PTTF	3/18/02	\$2,500	H G 2002							
Bill P. Luther/Luther for Congress	10/14/02	\$5,000	H G 2002	TM				Y	11/15/02	\$5,000	G 2002			
Brad Miller	9/27/02	\$5,000	H G 2002	PTTF										
Brad Miller/Brad Miller Congressional C	10/15/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Brian Baird	3/28/02	\$5,000	H P 2002	PTTF										
Brian Baird	6/25/02	\$5,000	H G 2002	PTTF										
Charles Walker	10/15/02	\$5,000	H G 2002	TM				N						
Charles Walker	10/15/02	\$5,000	H O 2002	PTTF	10/15/02	\$5,000	H G 2002							
Chns Bell	6/5/02	\$5,000	H O 2002	PTTF	6/5/02	\$5,000	H G 2002							
Chns Bell/Chns Bell for Congress	10/3/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
Chns Koun	10/22/02	\$5,000	H G 2002	TM				N						
Chns Koun	9/27/02	\$5,000	H G 2002	PTTF										
Christopher Van Hollen/Van Hollen for	10/15/02	\$5,000	H G 2002	TM				N						
Christopher Van Hollen/Van Hollen for	9/16/02	\$5,000	H G 2002	PTTF										
Committee for a Livable Future	10/14/02	\$5,000	N G 2002	TM				Y	12/11/02	\$5,000	G 2002			
Committee for a Livable Future	5/14/02	\$5,000	N G 2002	PTTF										
Daniel Wofford	5/30/02	\$5,000	H G 2002	PTTF										
Daniel Wofford/Wofford for Congress	9/16/02	\$1,000	H G 2002	TM	10/8/02	\$4,000	H G 2002	Y	11/1/02	\$5,000	G 2002			
David D. Phelps	6/27/01	\$5,000	H G 2002	PTTF										
David D. Phelps/Phelps for Congress	10/14/02	\$5,000	H G 2002	TM				Y	12/30/02	\$5,000	G 2002			
Dennis Cardoza	6/11/02	\$5,000	H O 2002	PTTF	6/11/02	\$5,000	H G 2002							
Dennis Cardoza/Cardoza for Congress	10/15/02	\$5,000	H G 2002	TM				Y	10/29/02	\$5,000	G 2002			
Dutch Ruppensberger	6/20/02	\$5,000	H P 2002	PTTF	6/20/02	\$5,000	H G 2002							
Dutch Ruppensberger	9/16/02	\$1,000	H G 2002	TM	10/14/02	\$4,000	H G 2002	Y	10/29/02	\$1,000	G 2002	10/29/02	\$4,000	
Earl Pomeroy	6/27/01	\$5,000	H G 2002	PTTF										
Earl Pomeroy/Earl Pomeroy for Congr	10/14/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Ed O'Brien	9/16/02	\$5,000	H G 2002	PTTF										
Ed O'Brien/O'Brien for Congress	10/8/02	\$5,000	H G 2002	TM				Y	12/6/02	\$5,000	G 2002			
James H. Maloney	3/28/02	\$5,000	H G 2002	PTTF										
James H. Maloney/Friends of Jim Mak	10/14/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Jill Long Thompson	3/28/02	\$2,500	H P 2002	PTTF	5/6/02	\$2,500	H P 2002	6/20/02	\$4,000	H G 2002				
Jill Long Thompson/Thompson for Cor	10/15/02	\$5,000	H G 2002	TM				Y	10/29/02	\$5,000	G 2002			
Joe Courtney	3/28/02	\$5,000	H P 2002	PTTF	8/14/02	\$5,000	H G 2002							
Joe Courtney/Joe Courtney for Congre	10/15/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
Joe Tumham	9/16/02	\$1,000	H G 2002	TM	10/15/02	\$4,000	H G 2002	N						
Joe Tumham	6/25/02	\$5,000	H G 2002	PTTF										
John Arthur Smith	6/17/02	\$5,000	H O 2002	PTTF	6/17/02	\$5,000	H G 2002							
John Arthur Smith/Smith for Congress	10/15/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
John Norns	3/28/02	\$5,000	H P 2002	PTTF	5/21/02	\$5,000	H G 2002							
John Norns/John Norns for Congress	10/15/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
Julia Carson	5/21/02	\$5,000	H G 2002	PTTF										
Julia Carson/Carson for Congress	10/22/02	\$5,000	H G 2002	TM				Y	10/29/02	\$5,000	G 2002			
Julie Thomas	10/15/02	\$5,000	H G 2002	TM				N						
Julie Thomas	5/21/02	\$5,000	H G 2002	PTTF	8/12/02	\$5,000	H O 2002 (Other)							
Karen Thurman	10/14/02	\$5,000	H G 2002	TM				Y	11/8/02	\$5,000	G 2002			
Karen Thurman	3/28/02	\$5,000	H P 2002	PTTF	6/17/02	\$5,000	H G 2002							
Katrina Swett	6/11/02	\$5,000	H P 2002	PTTF	6/11/02	\$5,000	H G 2002							
Katrina Swett/Katrina Swett for Congre	10/14/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Kevin Kelley	9/27/02	\$5,000	H G 2002	PTTF										
Kevin Kelley for Congress	10/22/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Leonard Boswell	8/22/01	\$5,000	H G 2002	PTTF										
Leonard Boswell/Boswell for Congress	10/14/02	\$5,000	H G 2002	TM				Y	12/13/02	\$5,000	G 2002			
Lincoln Davis	3/28/02	\$5,000	H P 2002	PTTF	6/21/02	\$5,000	H G 2002							
Lincoln Davis/Lincoln Davis for Congre	9/18/02	\$1,000	H G 2002	TM	10/15/02	\$4,000	H G 2002	Y	11/4/02	\$5,000	G 2002			
Martha Fuller Clark	9/21/01	\$5,000	H G 2002	PTTF										
Martha Fuller Clark/Clark for Congress	9/16/02	\$1,000	H G 2002	TM	10/14/02	\$2,500	H G 2002	Y	11/15/02	\$1,000	G 2002	11/15/02	\$2,500	G 2002
Matsunaka for Congress	10/8/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Matsunaka for Congress	7/24/02	\$5,000	H P 2002	PTTF	9/16/02	\$5,000	H G 2002							
Michael Michaud/Michaud for Congres	10/14/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Michael Michaud	9/16/02	\$5,000	H G 2002	PTTF	9/18/02	\$5,000	H O 2002 (Primary Debt)							
Mike Feeley	10/8/02	\$5,000	H G 2002	PTTF										
Mike Feeley/Feeley for Congress	10/8/02	\$5,000	H G 2002	TM				Y	10/29/02	\$5,000	G 2002			
Paul E. Kanjorski	9/27/02	\$5,000	H G 2002	PTTF										
Paul E. Kanjorski/Kanjorski for Congre	10/8/02	\$5,000	H G 2002	TM				Y	11/15/02	\$5,000	G 2002			
Ronnie Shows	3/28/02	\$5,000	H P 2002	PTTF	3/28/02	\$5,000	H G 2002							
Ronnie Shows/Friends of Ronnie Show	10/14/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			
Stephanie Herseith	9/16/02	\$5,000	H G 2002	PTTF										
Stephanie Herseith/Herseith for Congre	10/14/02	\$5,000	H G 2002	TM				Y	10/29/02	\$5,000	G 2002			
Tim Holden	3/28/02	\$5,000	H P 2002	PTTF	7/24/02	\$5,000	H G 2002							
Tim Holden/Friends of Tim Holden	10/14/02	\$5,000	H G 2002	TM				Y	11/1/02	\$5,000	G 2002			
Tim Ryan	6/6/02	\$5,000	H O 2002	PTTF	6/10/02	\$5,000	H G 2002							
Tim Ryan/Ryan for Congress	10/14/02	\$5,000	H G 2002	TM				Y	11/4/02	\$5,000	G 2002			

PTTF = PAC to the Future

TM = Team Majority

H = House of Representatives

P = Primary

G = General

O = Other/Primary Debt

Y = Yes

N = No or None

Attachment

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